



Water Quality NewsFlash

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303(d) List – 2006 list partially approved; data requested for 2008 list – The 2006 303(d) list of polluted waterways was adopted by the State Board this past October and has now been partially approved by U.S. EPA. TMDLs must be prepared for the waters and pollutants on the list (except for waterway segments already being addressed). EPA approved all the listings except for Walnut Creek Wash toxicity, which they are still evaluating. EPA also continues to evaluate the State's de-listings. In the past, EPA has added waterway/pollutant combinations to the list and may do so again. The 2002 list is no longer in effect. 2006 list: http://www.swrcb.ca.gov/tmdl/303d_lists2006.html

The State Board has now requested data for evaluation for the 2008 list. This data should be submitted to the Regional Boards rather than to the State Board and is due by February 28, 2007. The Boards are requesting not only data showing that standards are not met, but also data showing attainment of standards. All the data will be used in compiling a statewide water quality assessment. Posted: <http://www.waterboards.ca.gov/tmdl/integrated2008.html>

Daily Allocations for TMDLs – EPA issues clarification - Total maximum daily loads (TMDLs) allocate "safe" or acceptable amounts of pollutant to those discharging wastewater, including storm water, to pollutant impaired (303 (d) listed) waters. Earlier this year, a Federal Appeals Court determined that "daily" in TMDL means "every day." This decision created a potential obstacle to the program since some TMDLs have allocations set on longer intervals including annually or even 5-year running averages. A daily allocation often would not be practical, especially for intermittent discharges such as storm water.

EPA has now released a memo to resolve the issue. EPA states that all TMDLs need daily limits, but should be flexible in how these limits are implemented. EPA has also concluded that changes are not needed in existing policy and guidance. In related news, EPA argued that the appeals court decision should not be reviewed by the U.S. Supreme Court. The Washington DC Water and Sewer Authority is seeking a review of the decision which they view as placing an unnecessary burden on wastewater utilities. EPA reportedly believes it can work around the appeals court decision and is concerned that Supreme Court involvement might result in a major overhaul of the TMDL program. EPA: <http://www.epa.gov/owow/tmdl/dailyloadsguidance.html>

*Best Wishes & Happy Holidays from the Caltrans
Storm Water Program!*

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, Betty_Sanchez@dot.ca.gov (916) 653-2115, or Fred Krieger, (510) 843-7889, fkrieger@msn.com with questions or to be added or deleted from e-mail list. Posted online at: <http://www.dot.ca.gov/hq/env/stormwater/publicat/newsflash/index.htm>